

# **INFORMATION DISCLOSURE STATEMENT BY APPLICANT**

APPLICATION NO.: 10/649,584

ATTY. DOCKET NO.: C1039.70084US00

FILING DATE: August 25, 2003

CONFIRMATION NO.: 5262

APPLICANT: Krieg et al.

GROUP ART UNIT: 1633

EXAMINER: Maria Marvich

Sheet 1 of 14

## **U.S. PATENT DOCUMENTS**

Initials	Cite No.	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication or Issue of Cited Document MM-DD-YYYY
		Number	Kind Code		
	A1	5,567,604		Rando et al.	10-22-1996
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	A3	5,663,153		Hutcherson et al.	09-02-1997
	A4	5,684,147		Agrawal et al.	11-04-1997
	A5	5,723,335		Hutcherson et al.	03-03-1998
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	A7	6,107,062		Hu et al.	08-22-2000
	A8	6,114,167		Symonds et al.	09-05-2000
	A9	6,194,388	B1	Krieg et al.	02-27-2001
	A10	6,207,646	B1	Krieg et al.	03-27-2001
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	A13	6,221,882	B1	Macfarlane	04-24-2001
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	A17	6,406,705	B1	Davis et al.	06-18-2002
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	A19	6,479,504	B1	Macfarlane et al.	11-12-2002
	A20	6,498,147	B1	Nerenberg et al.	12-24-2002
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	A32	6,949,520	B1	Hartmann et al.	09-27-2005
	A33	7,001,890	B1	Wagner et al.	02-21-2006

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# EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to Applicant.

FORM PTO-1449/A and B (modified PTO/SB/08)  <b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>				APPLICATION NO.: 10/649,584		ATTY. DOCKET NO.: C1039.70084US00	
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	A34	7,223,741	B2	Krieg	05-29-2007
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	A145	2006-0003955	A1	Krieg et al.	01-05-2006
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#### FOREIGN PATENT DOCUMENTS

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	B1	EP	0 302 758	A1	New England Medical Center Hospitals,	02-08-1989	
	B2	EP	0 468 520	A2	Mitsui Toatsu Chemicals, Inc.	01-29-1992	
	B3	WO	99/56755	A1	University of Iowa Research Foundation	11-11-1999	
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	B8	WO	01/00232	A2	SmithKline Beecham Biologicals, S.A.	01-04-2001	
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	B15	WO	2007/038720	A2	Coley Pharmaceutical GMBH	04-05-2007	

#### OTHER ART — NON PATENT LITERATURE DOCUMENTS

Examiner's Initials #	Cite No	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	Translation (Y/N)
	C1	Press Release, January 2007, "Coley Pharmaceutical Group Updates Hepatitis C Drug Development Strategy".	
	C2	Press Release, June 2007, "Coley Pharmaceutical Group Announces Pfizer's Discontinuation of Clinical Trials for PF-3512676 Combined with Cytotoxic Chemotherapy in Advanced Non Small Cell Lung Cancer".	
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	C6	BRANDA et al., Immune stimulation by an antisense oligomer complementary to the rev gene of HIV-1. Biochem Pharmacol. 1993 May 25;45(10):2037-43.	
	C7	BRANDA et al., Amplification of antibody production by phosphorothioate oligodeoxynucleotides. J Lab Clin Med. 1996 Sep;128(3):329-38.	
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<b>FORM PTO-1449/A and B (modified PTO/SB/08)</b>  <b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>				APPLICATION NO.: 10/649,584	ATTY. DOCKET NO.: C1039.70084US00
				FILING DATE: August 25, 2003	CONFIRMATION NO.: 5262
				APPLICANT: Krieg et al.	
				GROUP ART UNIT: 1633	EXAMINER: Maria Marvich
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	C77	Patent Interference No. 105,171. Iowa Preliminary Motion 3 (for judgment based on failure to comply with 35 U.S.C. 135(b)). (Electronically filed, unsigned). June 7, 2004.	
	C78	Patent Interference No. 105,171. Iowa Preliminary Motion 4 (for judgment of no interference in fact). (Electronically filed, unsigned). June 7, 2004.	
	C79	Patent Interference No. 105,171. Iowa Preliminary Motion 5 (for judgment based on lack of enablement). (Electronically filed, unsigned). June 7, 2004.	
	C80	Patent Interference No. 105,171. Iowa Preliminary Motion 6 (for judgment based on lack of adequate written description). (Electronically filed, unsigned). June 7, 2004.	
	C81	Patent Interference No. 105,171. Iowa Preliminary Motion 7 (motion to redefine interference to designate claims as not corresponding to the Count). (Electronically filed, unsigned). June 7, 2004.	
	C82	Patent Interference No. 105,171. Iowa Preliminary Motion 8 (contingent motion to redefine the Count). (Electronically filed, unsigned). June 7, 2004.	
	C83	Patent Interference No. 105,171. Iowa Preliminary Motion 9 (motion for benefit of earlier application). (Electronically filed, unsigned). June 7, 2004.	

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	C84	Patent Interference No. 105,171. Iowa Preliminary Motion 10 (contingent motion to redefine the interference by adding a continuation application). (Electronically filed, unsigned). July 2, 2004.	
	C85	Patent Interference No. 105,171. Regents of the University of California Opposition 3 (to Iowa Preliminary Motion 3 for judgment under 35 USC 135(b)). September 9, 2004.	
	C86	Patent Interference No. 105,171. Regents of the University of California Opposition 4 (to Iowa Preliminary Motion 4 for judgment of no interference in fact). September 9, 2004.	
	C87	Patent Interference No. 105,171. Regents of the University of California Opposition 5 (to Iowa Preliminary Motion 5 for judgment that UC's claim is not enabled). September 9, 2004.	
	C88	Patent Interference No. 105,171. Regents of the University of California Opposition 6 (to Iowa Preliminary Motion 6 for judgment based on lack of adequate written description). September 9, 2004.	
	C89	Patent Interference No. 105,171. Regents of the University of California Opposition 7 (to Iowa Preliminary Motion 7 to redefine the interference). September 9, 2004.	
	C90	Patent Interference No. 105,171. Regents of the University of California Opposition 8 (to Iowa Preliminary Motion 8 to redefine the Count). September 9, 2004.	
	C91	Patent Interference No. 105,171. Regents of the University of California Response 9 (to Iowa Contingent Motion 9 for benefit). September 9, 2004.	
	C92	Patent Interference No. 105,171. Regents of the University of California Opposition 10 (to Iowa Contingent Motion 10 to redefine the interference). September 9, 2004.	
	C93	Patent Interference No. 105,171. Regents of the University of California Opposition 11 (to Iowa Contingent Motion 11 to suppress). October 15, 2004.	
	C94	Patent Interference No. 105,171. Iowa Reply 3 (in support of Iowa Preliminary Motion 3 for judgment under 35 U.S.C. §135(b)) (Electronically filed, unsigned). October 15, 2004.	
	C95	Patent Interference No. 105,171. Iowa Reply 4 (in support of Iowa Preliminary Motion for judgment of no interference in fact) (Electronically filed, unsigned). October 15, 2004.	
	C96	Patent Interference No. 105,171. Iowa Reply 5 (in support of Iowa Preliminary Motion 5 for judgment that UC's claim 205 is not enabled) (Electronically filed, unsigned). October 15, 2004.	
	C97	Patent Interference No. 105,171. Iowa Reply 6 (in support of Iowa Preliminary Motion 6 for judgment based on lack of adequate written description) (Electronically filed, unsigned). October 15, 2004.	
	C98	Patent Interference No. 105,171. Iowa Reply 7 (in support of Iowa Preliminary Motion 7 to redefine the interference) (Electronically filed, unsigned). October 15, 2004.	
	C99	Patent Interference No. 105,171. Iowa Reply 8 (in support of Iowa Preliminary Motion 8 to redefine the count) (Electronically filed, unsigned). October 15, 2004.	
	C100	Patent Interference No. 105,171. Iowa Reply 10 (in support of Iowa Preliminary Motion 10 to redefine the interference) (Electronically filed, unsigned). October 15, 2004.	
	C101	Patent Interference No. 105,171. Iowa Reply 11 (in support of Iowa Miscellaneous Motion to suppress). (Electronically filed, unsigned). October 18, 2004.	
	C102	Patent Interference No. 105,171. Regents of the University of California Preliminary Statement. June 7, 2004.	
	C103	Patent Interference No. 105,171. Regents of the University of California Preliminary Motion 1 (to designate additional claims of Iowa patent as corresponding to the Count). June 7, 2004.	
	C104	Patent Interference No. 105,171. Regents of the University of California Preliminary Motion 2 (for judgment based on lack of written description support and introducing new matter). June 7, 2004.	

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	C105	Patent Interference No. 105,171. Regents of the University of California Preliminary Motion 3 (for judgment based on anticipation). June 7, 2004.	
	C106	Patent Interference No. 105,171. Regents of the University of California Preliminary Motion 4 (for judgment based on obviousness). June 7, 2004.	
	C107	Patent Interference No. 105,171. Regents of the University of California Preliminary Motion 5 (for judgment based on anticipation). June 7, 2004.	
	C108	Patent Interference No. 105,171. Regents of the University of California Preliminary Motion 6 (for judgment based on inequitable conduct). June 7, 2004.	
	C109	Patent Interference No. 105,171. Regents of the University of California Contingent Preliminary Motion 7 (for benefit of an earlier application under 37 CFR 1.633(j)). July 2, 2004.	
	C110	Patent Interference No. 105,171. Regents of the University of California Contingent Preliminary Motion 8 (to add additional claims under 37 CFR 1.633(c)(2) and (i)). July 2, 2004.	
	C111	Amended Claims for Application Number 09/265,191, filed March 10, 1999.	
	C112	Patent Interference No. 105,171. Iowa Opposition 1 (opposition to motion to designate additional claims as corresponding to the Count) (Electronically filed, unsigned). September 9, 2004.	
	C113	Patent Interference No. 105,171. Iowa Opposition 2 (opposition to motion for judgment based on lack of written description support and introducing new matter) (Electronically filed, unsigned). September 9, 2004.	
	C114	Patent Interference No. 105,171. Iowa Opposition 3 (opposition to motion for judgment based on anticipation) (Electronically filed, unsigned). September 9, 2004.	
	C115	Patent Interference No. 105,171. Iowa Opposition 4 (opposition to motion for judgment based on obviousness) (Electronically filed, unsigned). September 9, 2004.	
	C116	Patent Interference No. 105,171. Iowa Opposition 5 (opposition to motion for judgment based on anticipation) (Electronically filed, unsigned). September 9, 2004.	
	C117	Patent Interference No. 105,171. Iowa Opposition 6 (opposition to motion for judgment based on inequitable conduct) (Electronically filed, unsigned). September 9, 2004.	
	C118	Patent Interference No. 105,171. Iowa Opposition 7 (opposition to motion for benefit of an earlier application under 7 CFR 1.633(j)) (Electronically filed, unsigned). September 9, 2004.	
	C119	Patent Interference No. 105,171. Iowa Opposition 8 (opposition to motion to add additional claims under 37 CFR 1.633 (2) and (i)) (Electronically filed, unsigned). September 9, 2004.	
	C120	Patent Interference No. 105,171. Regents of the University of California Reply 1 (to Iowa's opposition to UC's motion to designate Iowa claims as corresponding to the Count). October 15, 2004.	
	C121	Patent Interference No. 105,171. Regents of the University of California Reply 2 (to Iowa's opposition to UC Preliminary Motion 2 for Judgment). October 15, 2004.	
	C122	Patent Interference No. 105,171. Regents of the University of California Reply 3 (to Iowa's Opposition to UC Preliminary Motion 3 for Judgment). October 15, 2004.	
	C123	Patent Interference No. 105,171. Regents of the University of California Reply 4 (to Iowa's Opposition to UC Preliminary Motion 4 for Judgment). October 15, 2004.	
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	C125	Patent Interference No. 105,171. Regents of the University of California Reply 6 (to Iowa's opposition to UC Preliminary Motion 6 for judgment). October 15, 2004.	

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	C126	Patent Interference No. 105,171. Regents of the University of California Reply 7 (to Iowa's Opposition to UC Preliminary Motion 7 for Benefit). October 15, 2004.	
	C127	Patent Interference No. 105,171. Regents of the University of California Reply 8 (to Iowa's Opposition to UC Preliminary Motion 8 to add additional claims). October 15, 2004.	
	C128	Patent Interference No. 105,171. Decision on Motion under 37 CFR §41.125. March 10, 2005.	
	C129	Patent Interference No. 105,171. Judgment and Order. March 10, 2005.	
	C130	Patent Interference No. 105,171. Regents of the University of California. Brief of Appellant. July 5, 2005.	
	C131	Patent Interference No. 105,171. University of Iowa and Coley Pharmaceutical Group, Inc. Brief of Appellees. August 17, 2005.	
	C132	Patent Interference No. 105,171. Regents of the University of California. Reply Brief of Appellant. September 6, 2005.	
	C133	Patent Interference No. 105,171. Regents of the University of California. Decision of CAFC. July 17, 2006.	
	C134	Patent Interference No. 105,526. Krieg Substantive Motion 1 (for unpatentability based on interference estoppel). (Electronically filed, unsigned).	
	C135	Patent Interference No. 105,526.. Krieg Substantive Motion 2 (for judgment based on inadequate written description and/or enablement). (Electronically filed, unsigned). June 18, 2007.	
	C136	Patent Interference No. 105,526. Krieg Contingent Responsive Motion (to add new claims 104 and 105). (Electronically filed, unsigned). July 25, 2007.	
	C137	Patent Interference No. 105,526. Krieg Substantive Motion 3 (for judgment based on prior art). (Electronically filed, unsigned). June 18, 2007.	
	C138	Patent Interference No. 105,526. Raz Motion 1 (Unpatentability of Krieg Claims under 35 U.S.C. § 112, First Paragraph). (Electronically filed, unsigned). June 18, 2007.	
	C139	Patent Interference No. 105,526. Raz Motion 2 (Raising a Threshold Issue of No Interference-in-Fact). (Electronically filed, unsigned). June 18, 2007.	
	C140	Patent Interference No. 105,526.. Raz Motion 3 (Krieg's Claims are Unpatentable Over Prior Art Under 35 U.S.C. § 102(b)) (Electronically filed, unsigned). June 18, 2007.	
	C141	Patent Interference No. 105,526. Raz Motion 4 (To Designate Krieg Claims 46 and 82-84 as Corresponding to Count 1). (Electronically filed, unsigned). June 18, 2007.	
	C142	Patent Interference No. 105,526. Raz Responsive Miscellaneous Motion 5 (To revive the Raz Parent Application) (Electronically filed, unsigned) July 25, 2007.	
	C143	Patent Interference No. 105,526. Raz Contingent Responsive Motion 6 (To Add a New Claim 58) (Electronically filed, unsigned) July 25, 2007.	
	C144	Patent Interference No. 105,526. Krieg Opposition 1 (Opposition to Motion for Lack of Enablement and Written Description) (Electronically filed, unsigned) September 10, 2007.	
	C145	Patent Interference No. 105,526. Krieg Opposition 2 (to Raz Motion 2) (Electronically filed, unsigned) September 10, 2007.	
	C146	Patent Interference No. 105,526. Krieg Opposition 3 (To Raz Motion 3) (Electronically filed, unsigned) September 10, 2007.	
	C147	Patent Interference No. 105,526. Krieg Opposition 4 (Opposition to Motion for Designating Claims 46 and 82-84 as Corresponding to the Court) (Electronically filed, unsigned) September 10, 2007.	
	C148	Patent Interference No. 105,526. Krieg Opposition 6 (Opposition to Raz Contingent Responsive Motion 6) (Electronically filed, unsigned) September 10, 2007.	

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	C149	Patent Interference No. 105,526. Raz Opposition 1 (Opposing Krieg Substantive Motion 1) (Electronically filed, unsigned) September 10, 2007.	
	C150	Patent Interference No. 105,526. Raz Opposition 2 (Opposing Krieg Substantive Motion 2) (Electronically filed, unsigned) September 10, 2007.	
	C151	Patent Interference No. 105,526. Raz Opposition 4 (Opposing Krieg Contingent Responsive Motion to Add New Claims 104 and 105) (Electronically filed, unsigned) September 10, 2007.	
	C152	Patent Interference No. 105,526. Krieg Reply 1 (Reply to Raz opposition 1) October 5, 2007	
	C153	Patent Interference No. 105,526. Krieg Reply 2 (Reply to Raz opposition 2) October 5, 2007	
	C154	Patent Interference No. 105,526. Krieg Reply 4 (Reply to Raz opposition 4) October 5, 2007	
	C155	Patent Interference No. 105,526. Raz Reply 1 (Reply to Krieg opposition 1) October 5, 2007	
	C156	Patent Interference No. 105,526. Raz Reply 2 (Reply to Krieg opposition 2) October 5, 2007	
	C157	Patent Interference No. 105,526. Raz Reply 3 (Reply to Krieg opposition 3) October 5, 2007	
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	C159	Patent Interference No. 105,526. Raz Reply 6 (Reply to Krieg opposition 6) October 5, 2007	
	C160	Patent Interference No. 105,526. Krieg Miscellaneous Motion 5 (To exclude exhibits 2066, 2070, 2071, 2072, 2073, 2074, 2075, 2076 and 2078) October 9, 2007.	
	C161	Patent Interference No. 105,526. Raz Opposition 5 (Opposing Krieg Miscellaneous Motion 5) October 25, 2007.	
	C162	Patent Interference No. 105,526. Raz Miscellaneous Motion 7 (To exclude evidence) October 19, 2007.	
	C163	Patent Interference No. 105,526. Krieg Opposition 7 (To Raz Miscellaneous Motion 7) October 25, 2007.	
	C164	Patent Interference No. 105,526. Krieg Reply 5 (Reply to Raz opposition 5) October 30, 2007.	
	C165	Patent Interference No. 105,526. Raz Reply 7 (Reply to Krieg opposition 7) October 30, 2007.	

\*a copy of this reference is not provided as it was previously cited by or submitted to the office in a prior application, Serial No. \_\_, filed \_\_, and relied upon for an earlier filing date under 35 U.S.C. 120 (continuation, continuation-in-part, and divisional applications).

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